

## CONSTRUCTION MANAGEMENT PROCEDURES FOR PUBLIC SCHOOL PROJECTS

## IR A-3

Reference: Education Code Sections 17280-17311 and 81130-81147

Issued 9-1-99

Title 24, Part 1 Section 4-315, 4-316, 4-322, 4-333, 4-335, 4-336, 4-338, 4-341, 4-342, 4-343

Revised 9-19-2006

~~Supersedes IR 11-1(9/89)~~

This interpretation is intended for use by the plan review and field engineers of DSA to indicate an acceptable method for achieving compliance with applicable codes and regulations. Its purpose is to promote more uniform statewide criteria for use in plan review and supervision of construction of public schools, community colleges and essential services buildings. Other methods proposed by design professionals to solve a particular problem may be considered by DSA and reviewed for code and regulation compliance.

**Purpose:** The purpose of this IR is to ensure that the construction management procedures comply with the requirements of the Education Code and the California Building Standards Administrative Code (Title 24, Part 1).

**1. General.** The statutes and regulations contemplate the construction of a building by a general contractor who would either perform the construction work in its entirety, or employ one or more subcontractors under his/her responsible supervision to perform specified portions of the work. The general contractor attests to the compliance of the work of construction with the approved plans and specifications for the project as required by the statute.

**1.1** A construction manager is employed by the owner to assist the owner in the management of the construction of the project. The construction manager may perform services in the areas of coordination of the work of the various contractors, scheduling the work of the project, monitoring the progress of the work, providing the owner with evaluations and recommendations concerning the quality of the work, recommending the approval of progress payments for the contractors, or other services.

**1.2** The work of the construction manager shall not interfere with the professional or statutory responsibilities of the design professionals for the project, nor restrict the activities of the project inspector, special inspector, testing laboratory representatives and the Field Engineers of DSA in the performance of their duties. It must also be emphasized that the project inspector is an agent of the owner working under the direction of the architect or structural engineer in general responsible charge of the project for the purpose of achieving compliance with the approved plans and specifications, and shall not be working under the influence of the construction manager. Further, the project inspector works under the supervision of DSA for the same purpose, but also to achieve compliance with the applicable building codes and regulations.

Specific activities that are considered to interfere with the duties of the project design professionals, inspectors and/or testing laboratories include but are not limited to:

- Directing the work of the designers, inspectors or testing laboratory in any way,
- Influencing the selection, inspection practices, reporting practices, or job related activities of the inspectors or testing laboratory in any way,
- Making official interpretations or clarifications of the approved plans or specifications,
- Making official interpretations related to the acceptability of materials or construction work,
- Preparation or editing of change orders or field change documents,

- Scheduling or directing the work of the testing facility, special inspectors, assistant inspector, project inspector, or project design professionals in any way,
- Editing test, special inspection, semi-monthly, or other reports or deviation notices,
- Interfering with communications between the contractors, inspectors, design professionals and DSA,
- Paying, or interfering with payments to, the testing facility, special inspectors, assistant inspector, or project inspector.

**2. Multi-Prime Projects.** A project using a construction manager in lieu of a general contractor to coordinate the work of several “prime” contractors requires special procedures.

**2.1** Without the presence of a general contractor, contractors for various portions of the construction will enter into individual contracts, directly with the owner, to establish conditions for the performance and payment for their work.

**2.2** The construction manager will usually be employed to oversee the construction of a complete building, or group of buildings or the completion of one phase of a long-range construction program. Each contractor may be employed to start and complete his/her portion of the project at any time during the progress of the construction. Therefore, the completion of that portion of the construction is not synonymous with the completion of the entire project as is contemplated by the regulations. Each contractor who has a contract with the owner is required to submit a final verified report at the completion of his/her portion of the work.

**2.3** The submittal of verified progress reports by the individual contractors is a departure from normal procedures wherein the services of a general contractor are involved. The construction manager, who is not a builder by training or licensing, by law, cannot be held responsible for the compliance of the work of construction with the duly approved plans and specifications for the project. The Attorney General's Opinion No. CV 74-160, August 1974, is cited as follows:

"A construction manager does not bind himself to construct a building. See Ops. Cal. Atty. Gen. 9322 (1934). The agreement to do these things is made by the owner with other parties and in case of the failure of any of those parties to perform as agreed, an action would lie against them and not against the construction manager. The agreement of the construction manager is to perform services only for the owner; that is, to supervise the work of the contractors who are doing the actual construction."

Therefore, in accordance with DSA regulations, each independent contractor having contracts with the owner is required to submit verified reports.

**3. Contract Information.** The contractor's name & address, the scope of work, the contract price, and the estimated start date for each contract must be submitted to DSA prior to start of

construction. This information, along with the name of the inspector and testing facility assigned to the project are submitted by the design professional in general responsible charge on a Contract Information Form DSA-102. If more than one contract is reported at a time, a single Form DSA-102 may be submitted with a list attached. A Contract Information Form DSA-102 shall be submitted for construction management contracts in addition to all construction contracts. If school district employees, or volunteers, perform substantial construction work, the estimated value of the work shall be reported on a Contract Information Form.

Each submittal of contract information is to be made on, or attached to, a Form DSA-102. Each contract should be identified by a number in consecutive order to assist in record keeping and future reference. Such identification must be noted on change orders which affect that contract.